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UNITED STATES ENVIRONMENTAL LAWS AND EXPLORATION AND PRODUCTION OPERATIONS 1

Henry R. White

Concern for the protection of the environment has resulted in the creation of a number of new U.S. statutes and regulations which have an important impact on American oil and gas exploration and production operations. The author provides a brief historical survey of some of the legislation which provided a foundation for laws enacted within the past few years. He discusses in some detail the National Environmental Policy Act provisions and concludes that they have been a constructive force for change, both in the government and the oil and gas industry. The author then provides an overview of various statutes and regulations establishing guidelines to ensure clean air and water, which are of particular importance to oil and gas producers. In conclusion, the author stresses the importance of maintaining a balance between the need for a healthy environment and the need for an adequate supply of energy.

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Bernard L. Stroppa

Because of the ever increasing concern of mankind over the protection of his environment, greater emphasis has been placed, both in legislation and in the development of the common law, on providing answers and remedies to the problem of pollution. In this survey of the law, the author lists and discusses the Federal legislation which applies to the problem of pollution control. The discussion is broken into six topics, each dealing with a particular geographical area of Canada, including one on air pollution. Particular emphasis is put on legislation respecting pollution of waters by the resource industries. Following that, the author discusses six possible remedies available at common law, with particular reference to nuisance actions. The author concludes that the legislative field is likely to be the most productive of solutions.

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Peter G. Schmidt

The author provides a brief outline of pollution control legislation in Alberta and its effect upon the oil and gas industry. The Department of the Environment discharges its obligation of "regulating" environmental matters through various sources of legislation which allow for a flexible regulatory scheme adaptable to changing government policy. Direct regulation of the industry is achieved by requiring compliance with the regulations prior to the issue of licences and permits. Further, various "Guidelines" for pollution control are being established and incorporated into such permits and licences. The author also provides a list of similar legislation existing in British Columbia, Saskatchewan, and Alberta.

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C. A. Rae

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Robert C. Muir

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Howard R. Ward

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FOREIGN INVESTMENT REVIEW ACT 83

William H. Bonney

The Foreign Investment Review Act is a complex piece of legislation which will have an important impact on the Canadian business community. The Act provides the federal government with authority to review and approve or reject investments by "non-eligible persons" to acquire control of existing Canadian businesses, to create new businesses, and to expand existing businesses in Canada. The author briefly discusses the purpose of the Act and the reviewing mechanism. He then provides an analysis of some of the possible effects of the Act on the Canadian oil and gas industry.

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Murray F. Mackintosh

In these times of rapidly escalating prices for resources, the provinces of Western Canada have turned their attention to extracting from the resource industry a higher return for the citizens in an attempt to provide for the future when the resources are near depletion. This phenomenon is especially noticeable in Alberta. In this article Mr. Mackintosh discusses mineral taxation laws in Alberta and compares them with the corresponding laws of Saskatchewan and British Columbia. The author discusses the constitutionality and interpretation of the new mineral taxation laws and raises some specific problems in applying the legislation.

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J. B. Lowery

The Oil and Gas Conservation, Stabilization and Development Act, which was passed in Saskatchewan in 1973, has far reaching effects on the oil industry in that province, ranging from new forms of taxation to the expropriation of certain oil and gas rights. The Act imposes a mineral income tax on freehold owners and on other persons interested in petroleum production and a royalty surcharge on Crown lands. The group of potential taxpayers has been increased and the author discusses several accounting problems which arise out of the new system. A major concern is the constitutionality of the Act. The author concludes by suggesting methods of drafting future agreements to minimize complications arising from the Act.

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technical jargon which results in a very readable work which may be digested as easily by the layman as by the professional.

Although the Commission suggests in the Foreword that both those views expressed by Professor Hogarth and Professor Weiler are right, and that a body such as the Law Reform Commission of Canada has to find its way in this very real tension, the reader is left to draw his own conclusions.

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